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ABSTRACT

This short review examines the recent literature describing the trustee, his views, the board and its functions, and gives suggestions to improve the performance of governing boards. Included is a discussion of (1) authority and duties of governing boards, (2) presidential selection, (3) the trustee and his views, (4) arguments about the role of trustees, (5) diversifying boards of trustees and the results, (6) suggestions for improving board performance, and (7) concluding remarks. (WM)

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COLLEGE TRUSTEES

The college trustee has been undergoing during the past few years what Myron Wicke *(The Trustee: A Key...*, 1969) has termed an "identity crisis":

> From a utopian day in which trustees only rarely had to dirty their hands or minds with anything but money and presidents, we have moved into a day of shrieking students, of shirking. . faculties, and of administrators being torn into shreds. Then suddenly the board of trustees is involved, hardly comprehending how or why.

Increasing student and faculty militancy and demands to share the power with the trustee have placed the trustee in an unaccustomed limelight. This new visibility has been increased by a flurry of research reports and essays on the trustee and trustee boards. The purpose of this paper is to review some of the recent literature describing the trustee and his views, the board and its functions, along with suggestions to improve the functioning of boards of trustees.

Authority and duties of governing boards

Algo Henderson (1967) noted that colleges and universities must be founded in accordance with state law that usually involves the creation of a corporation. The corporation is created after the state approves the proposed charter. "The charter creates the board, and the board [of any kind of corporation] thus becomes the corporation and exercises [its]...powers...." (Henderson, 1967). In a strict sense, notes Zwingle (1970a) "nothing done within the college... is valid if it cannot be traced to the charter, the bylaws, or the minutes of the board." To Henderson the advantages of corporate organization are obvious: the group can act legally as a single person; individual members of the board are not responsible for the debts of the corporation (barring fraud); and the corporation has continuing life irrespective of the changing personnel on the board.

According to Henderson, board members at colleges and universities are called trustees because they are engaged in a trust relationship that includes the following responsibilities:

> ...to manage the institution in the public interest, to account to official bodies and to the public for actions taken and funds used, to carry out the ethical responsibilities involved in the education of youth, to hold title to and to administer endowment funds....

The concept of a board made up of lay educators, holding the basic document of the institution and final authority to ensure that the institution functions in the public interest, is a unique attribute of American education (Rauh, 1969). To fulfill this function, the board is expected to act as a buffer between the academic community and the outside world. In Louis Heilbron's words (1970):

> One of the board's more important duties is its interpretative role and not only in the area of the procurement of funds. In the broadest sense the board should defend the academy to the alumni and to the public and convey the public sentiment to the academy.

In carrying out its basic trust responsibilities, the literature on trustees generally agrees with the following listing of duties (Rauh, 1969): the trustees should hold the basic legal document of origin, develop the purposes of the institution, seek planned development, select and determine the tenure of the president, hold assets in trust, and act as a court of last resort on the campus. Other groups mention additional duties. A trustee committee at Columbia felt that trustees' duties included reviewing the organization and structure of the university periodically, overseeing the quality of education, ensuring that the physical and academic environment encouraged learning, and anticipating the impact of decisions on alumni and local communities ("Fourth Interim Report," 1969). Nabrit and Scott (1970) would add the evaluation of trustee performance and the appointment of new members to the board, and the interpretation of the institution to its various publics as trustee duties.

With such broad duties, and only a few days each year in which to meet and formally conduct business, the board obviously delegates much of its authority. In fact the literature on trustees strongly indicates that the board is expected to consider only basic policy matters while leaving day-to-day operations to the faculty and administration. Heilbron terms

board concern with administrative detail one of the major abuses of trustees. The Commission on University Governance at Duke ("Interim Report: The Board...," 1970) strongly advised that the board adopt a "supportive" orientation, that is, an attitude of concern with policy and familiarity with the institution through contact with the faculty and students, as opposed to a "controlling" (dominant) or "passive" (uninterested) orientation. Even in crisis situations, notes J.L. Zwingle (1970a), trustees should "not meddle in the administration and must not assume the initiative unless every other alternative has been exhausted."

Presidential selection

Routinely the literature on trustees describes the duty to select the president as the most important function of the governing board. Frederick Bolman (1965/71) has described the typical process of choosing a college or university president. Eighty-seven percent of the institutions furnishing information to him used a specially appointed committee of trustees in the search. Most of these committees attempted to prepare detailed lists of desirable attributes.

> At times, such lists are composed around a conference table, with little prior thought. They are notable only for the cliches they contain. They usually describe a perfect candidate but, unfortunately, a nonexistent one.... As a serious guide for a presidential search committee, such a list leaves something to be desired. At the very least, it is likely to produce a feeling of frustration as the committeemen search the country for a paragon to match the prescribed profile.

Bolman recommends a search procedure that one of the institutions he surveyed used. The committee reviewed the history, purposes, and status of the institution, reviewed departments noting their strengths and weaknesses, and in view of these needs outlined the kinds of abilities desired in the new president. Not only did the procedure assist in the presidential search, but it also provided assistance in planning and decisionmaking afterwards–since the review of the history, purposes, and status was extremely helpful.

Rauh (1969) essentially agrees with Bolman and states that qualifications should meet identifiable current needs. He also suggests that colleges consider limiting the number of candidates screened, since "one can become obsessed with the idea that there is a single candidate clearly superior to any other and that somehow or other it can be determined just who the person is." Noting that it is impossible to adequately assess the potential of an applicant until he actually performs the duties of the position, Rauh suggests investigating a limited number of prospects and choosing one if he shows promise of meeting the requirements.

The trustee and his views

Descriptions of the average trustee have shown a remarkable similarity over the years. Hartnett's (1969) description is typical, although noting that trustees are diverse types, he goes on to say "the modal or 'typical' trustee can be described as a male, in his late 50's, well educated and financially very successful." Generally, Hartnett notes the trustees favor a top-down form of governance, and do not read, in fact have not even heard of, the relevant literature on higher education.

Frequently the literature on trustees alludes to the differences between board members and others in the academic community. Hartnett notes that politically, trustees tend to be more conservative than the faculty, and that they are more cautious regarding academic freedom. Nabrit and Scott comment on the same feature in the trustees of black institutions, noting that although generally in favor of academic freedom as an abstract principle, in particular instances, such as allowing controversial speakers on campus, the trustees do not support such freedom. Rauh comments upon the disparity in view point between the trustees and the student body. Even in student-centered events, such as choosing commencement speakers, trustees do not favor giving students a major role in the decision, and are generally opposed to student participation in governance.

Arguments about the role of trustees

Throughout this century critics of governing boards have charged that trustees are chosen mainly as financial and public relations window-dressing for the institution, and that such people are inappropriate in higher education. A handbill distributed by student demonstrators in 1968 expressed this view: (see *The Governing of Princeton University, 1970)*

> The issue is not whether the trustees are doing their job well. The issue is that there is no justification for such a group of men controlling the destiny of an institution and a community in which they have no legitimate place. The University is a community of students and faculty, not businessmen.

Troy Duster (1966) also expressed concern that the aims of trustees and the aims of higher education differed, and felt that the relative lack of challenge to trustees up to that point did not indicate faculty and trustee agreement on aims but rather reflected the fact that the faculty had conceded authority to the trustees and did not care to challenge them.

More radical critics have gone even further. Franklin (Howard and Franklin, 1969) charged that governing boards represent the "wealthiest and most powerful" segments of American society--in both public and private institutions–and since they hold final authority, trustees direct institutions of higher education in pursuit of their own ends. Even strong defenders of the lay trustee concept such as Rauh concede that the possibility of conflict-of-interest problems does exist, particularly when the trustee is asked for advice or service in his area of expertise.

Trustees and their defenders, however, point out that governing boards bring many benefits to higher education. The study group at Princeton *(The Governing of Princeton University, 1970)* notes that corporation status enables the institution to act as an individual under the law; without this ability, the group felt that universities would have great difficulty maintaining the complicated programs undertaken at most institutions. Moreover, trustees can view more objectively than the faculty those budgetary and other matters that concern the faculty and sometimes cloud their objectivity

regarding total institutional responsibility. In addition, trustees act as a bridge between the institution and the public, aid the university in raising funds, and bring expert knowledge to the affairs of the university.

Writers such as W. H. Cowley (1969) and Wise (1970) see a danger in eliminating trustees, since that means granting more power to the faculty. Rather than making institutional governance democratic, they maintain, it would become syndicalistic—that is, patterned after individual groups of workers managing their own affairs without any necessary reference to society's wishes. The net result of abolishing trustees, claims Wise, would be that without the trustees as a buffer external groups would gain more power on campus, and the self-interest of the faculty and student would increase. To Wicke *(The Trustee: A Key..., 1969)* the issue of lay control is analogous to civilian control of the military: "education is too important to be left *only* to the educators." Since a public interest is at stake, he feels that some public voice in policymaking should be in evidence.

Diversifying boards of trustees and the results

Other critics agree that boards of trustees are dominated by a small segment of society, but feel that the concept of public representation in higher education is too valuable to be abolished. They argue for broader public representation on boards of trustees. Groups which have been excluded from board membership before should now be actively sought and included. Proposals to add groups such as women, blacks, professional educators, representatives from the fine arts and pure sciences, farmers, and blue-collar workers are commonplace (Rauh, 1969; "Fourth Interim Report," 1969; Heilbron, 1970; Beck, 1947). Over 20 years ago, Beck even suggested that boards be comprised along the following general lines: eight members from the public should include business, professional, agricultural, and laboring representation, and five members from the university should include faculty, alumni, and student representation.

Faculty and students have been added to some boards of trustees, but this practice invariably draws opposition from spokesmen for the existing board members. Rauh feels that faculty and student representation would give rise to "a political configuration in which separate interests are represented in an adversary relationship," and he favors modifying the process of selecting new trustees so that students and faculty have a greater voice in selecting trustees and therefore in trustee decisions. Eberle (1970) cites the principles of lay control and separation of powers to oppose student and faculty membership on the board. He opts for a "tricameral" decisionmaking process in which student, faculty, and trustee decisionmaking bodies meet separately on common problems, with the trustees considered first among equals (Eberle, 1969).

Other writers such as Wicke favor more direct involvement of faculty on the board, but are opposed to student representation. Wicke feels that inclusion of faculty members—from the institution itself or from another institution—w[illegible]e views of professional educators to the deliberati[illegible]board. He does not support student representation o[illegible], since he considers the student body a transient population. Other authors such as Frankel are strongly in favor of both student and faculty representation on the board, or at least the provision of regular consultation with the board (Frankel, 1969). In his opinion, such participation is not just a matter of justice, but a matter of "political wisdom. Trustees will not know what they should know unless they mix with the people who can tell them."

The composition of boards has undergone the kinds of changes suggested by Beck and others within the recent past. Newspaper articles on these changes have been frequent in the last few years (Malcolm, 1970; Byrne, 1971). In an effort to determine if these widely reported changes were actually taking place, Hartnett again surveyed the institutions polled previously by Rauh and himself. The results of this second survey indicated that widespread changes were taking place, in that more young people, women, blacks, and educators were being added to more boards of trustees (Hartnett, 1970).

> Assuming that the trend toward broader board representation continues, it seems reasonable to expect the 'new trustee' to be similar in attitudes to his 'minority group' predecessor. Simply put, our current best guess about the styles of the women, Negroes, young people and educators being added to governing boards is that they will be similar to those few members of these groups already serving on these boards.

Women, younger trustees, and more highly educated trustees, were more liberal on most issues than board members who were male, older, and without college degrees. Of the growing number of educators as trustees, Hartnett observes they would be better informed about higher education—or at least more familiar with the relevant literature—but would be the poorest source of income. Women could be expected to favor academic freedom and democratic governance more so than their male counterparts; blacks could be expected to show more interest in institutional responses to social problems; and younger people (under 40) "would probably add a fresh outlook to most governing boards, but at the same time... [might] diminish the amount of financial contribution that [would] be expected from the board."

Suggestions for improving board performance

In addition to diversifying the board, other suggestions are frequently made for improving performance. At Duke University ("Interim Report: The Board...," 1970) it was recommended that a mandatory retirement age be set for trustees, and that they be periodically rotated off and on the board; after two 6-year terms the trustee would leave the board and could rejoin only after a 2-year period. Zwingle (1970b) agrees that terms should be limited and adds that the haphazard selection of trustees should be remedied by a standing board committee on selection. Nabrit and Scott, while considering the characteristics of trustees at predominantly black institutions, offer generally applicable advice on the selection and orientation of new board members. They feel that regular mechanisms should exist to bring potential trustees into contact with the board and the institution; potential members of the board should be carefully screened, and some orientation to the history of the institution, its faculty and students should be provided.

Other authorities such as Burns (1966) and Herron (1969a) are also concerned with the quality of training and orientation of new trustees. Burns recommends separate training sessions after regular board meetings for new trustees, discussion sessions, campus tours, and reading of pertinent publications. Herron outlined the orientation procedures of various small colleges, among which were in-service and off-campus workshops, consultants, annual retreats to redefine roles, plan and set goals, the inclusion of administrators on board committees, trustee-faculty dinners, and biweekly mailings to trustees on such topics as finances, cultural events, and faculty research. Other institutions have participated in seminar-type discussions of the role of the trustee and made new members honorary members of the executive committee for a specified length of time. Other institutions, and even entire states in which a state board controls several campuses, have developed manuals for their trustees in an effort to help the trustee understand his role (Perlman, 1970; Russel, 1965; Fisher, 1969). Zwingle (1970b) adds that more time and better judgment will be required of trustees, and that new board members should be expected to acknowledge the time requirement and possess "a certain largeness of mind and outlook." Moreover, he notes the cumbersome details that overload most board agendas should be reduced so that the board can devote more time to policy affairs.

Perhaps the most unothodox suggestion for alleviating the problem of both institutional distrust of the trustee and public distrust of the institution has been made by Babbidge (1969). His suggestion and the possible objections to it point up the inherent conflict within the university as a public trust. He suggests that a "charter" for the University of Connecticut might be drawn up to state the role and functions of the university for approval by the people of Connecticut. Disagreement within the university as to the charter would indicate the lack of consensus on goals; disagreement between the institution and the public might indicate that the institution was using public money under false pretenses. Under this system, the board of trustees could act as a "supreme court," ensuring that the institution was operating in accordance with the provisions and spirit of the charter.

Conclusions

The recent outpouring of studies on the college trustee, spurred by interest in governance and the attention focused on trustees by student demands, has shown that the traditional picture of the trustee is beginning to change (Hartnett, 1970). Increasingly, trustees are reflecting the general makeup of the population rather than restricted professional and financial groups. True lay representation, rather than the representation of the most financially successful, is beginning to appear.

As the final authority on campus, the trustee cannot help being affected by the new patterns of campus governance. Unfortunately, as Wise (1970) suggests, virtually no reports on governance discuss this point. He sees control of campus power as a "zero-sum" game in which as one group gains power another loses it, since the amount of power remains constant. If, in fact, the administration and trustees are losing power, as Wise suspects, the syndicalism he fears may be growing; however, if the trustees have given only token authority to senates and councils in areas of academic and student life, frustration and resentment may ruin the effectiveness of these bodies.

On the other side of the picture, improving the effectiveness of trustees means giving them better and more accurate information. Trustees have testified eloquently on their feeling of operating without all the essential facts and the need for better information (article by Warren in The Trustee: A Key... 1969; Budd, 1971). Also, the trustee must have faith in other administrators and the faculty. The suggestion of Duke University for a supportive and well-informed board seems imperative.

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